

MINUTES, REGULAR MEETING  
CITY COUNCIL, CITY OF LA CRESCENT, MINNESOTA  
NOVEMBER 12, 2013

Pursuant to due call and notice thereof, the first meeting of the City Council of the City of La Crescent for the month of November was called to order by Mayor Mike Poellinger at 5:30 PM in the La Crescent City Hall, La Crescent, Minnesota, on Tuesday, November 12, 2013, followed by the Pledge of Allegiance. Upon a roll call taken and tallied by the City Administrator, the following members were present: Members Bernie Buehler, John Graf, Greg Husmann, Dale Williams, and Mayor Mike Poellinger. Members absent: None. Also present was City Administrator Bill Waller and City Attorney Skip Wieser.

Mayor Poellinger asked if anyone wished to take action to change the agenda as presented. There were no changes requested.

**ITEM 1 – CONSENT AGENDA**

At this time, the Mayor read the following items to be considered as part of the Consent Agenda for this regular meeting:

- 1.1 MINUTES – OCTOBER 28, 2013
- 1.2 BILLS PAYABLE THROUGH NOVEMBER 6, 2013

At the conclusion of the reading of the Consent Agenda, Mayor Poellinger asked if the Council wished to have any of the items removed from the Consent Agenda for further discussion. Member Buehler made a motion, seconded by Member Williams, as follows:

**A MOTION TO APPROVE THE CONSENT AGENDA AS PRESENTED**

Upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
John Graf	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

**ITEM 3.1 – CAPITAL EQUIPMENT CERTIFICATE**

George Eilertson from Northland Securities gave an overview to Council on the capital equipment certificate. Council also reviewed the list of equipment that is included in the capital equipment certificate, the proposed finance summary plan, and the financial advisory service agreement. Following discussion, Member Husmann made a motion, seconded by Member Buehler, as follows:

**MOTION TO ACCEPT THE FINANCE PLAN FOR THE CITY OF LA CRESCENT GENERAL OBLIGATION EQUIPMENT CERTIFICATES OF INDEBTEDNESS, SERIES 2013A IN THE AMOUNT OF \$905,000.00 AS PRESENTED BY NORTHLAND SECURITIES.**

Upon a roll call vote taken and tallied by the City Administrator, the following Members present voted in favor thereof, viz;

Bernie Buehler	Yes
John Graf	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

Following discussion, Member Husmann made a motion, seconded by Member Buehler, as follows:

**MOTION TO APPROVE THE FINANCIAL ADVISORY SERVICE AGREEMENT BY AND BETWEEN THE CITY OF LA CRESCENT AND NORTHLAND SECURITIES, INC. RELATING TO THE ISSUANCE OF GENERAL OBLIGATION EQUIPMENT CERTIFICATES OF INDEBTEDNESS, SERIES 2013A.**

Upon a roll call vote taken and tallied by the City Administrator, the following Members present voted in favor thereof, viz;

Bernie Buehler	Yes
John Graf	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

**ITEM 3.2 – LIQUOR LICENSE RENEWALS**

The City has received the following liquor license renewals for 2014:

Off-Sale:

1. Pump 4 Less
2. Minegars Sports Hub
3. Apple Village Liquor
4. La Crescent Wine & Spirits
5. Crescent Inn

On-Sale:

1. Minegars Sports Hub
2. Crescent Inn
3. American Legion

Sunday:

1. Minegars Sports Hub
2. Crescent Inn
3. American Legion

All licenses appear to be order and it recommended that the City Council approve the licenses as presented. Following discussion, Member Husmann introduced the following resolution and moved its passage and adoption:

**RESOLUTION NO. 11-13-18**

**A RESOLUTION TO APPROVE ALL 2014 LIQUOR LICENSES**

WHEREAS, the City Council has received a listing of the City licenses to be approved and issued for 2014, and

WHEREAS, license fees and insurance certificates have been received from all of the licensees,

NOW THEREFORE BE IT RESOLVED that the City Council hereby approves the renewal of all liquor licenses.

ADOPTED this 12<sup>th</sup> day of November, 2013.

SIGNED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Administrator

The foregoing motion was duly seconded by Member Williams and upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
John Graf	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried and resolution duly passed and adopted.

### **ITEM 3.3 – UPDATE CITY WEBSITE**

Administrator Waller gave an overview regarding the need for the City's website to be updated. Council reviewed a proposal from Vision Design Group in the amount of \$5,700. The Council would need to amend the 2013 general fund budget to transfer the funds for this expenditure from the funds budgeted to update the City's comprehensive plan. Following discussion, Member Buehler made a motion, seconded by Member Graf, as follows:

**MOTION TO APPROVE THE WEBSITE DEVELOPMENT PROPOSAL FROM VISION DESIGN GROUP, INC. IN THE AMOUNT OF \$5,700.00 AND TO AMEND THE 2013 GENERAL FUND BUDGET TO TRANSFER THE FUNDS FOR THIS EXPENDITURE FROM THE FUNDS BUDGETED TO UPDATE THE CITY'S COMPREHENSIVE PLAN.**

Upon a roll call vote taken and tallied by the City Administrator, the following Members present voted in favor thereof, viz;

Bernie Buehler	Yes
John Graf	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

### **ITEM 3.4 – AUTHORIZE CAPITAL EQUIPMENT EXPENDITURE**

Administrator Waller gave an overview regarding the purchase of a larger pickup to be used for snow plowing and general maintenance purposes. The increase in pickup size would be from a one-ton to a one and one-half ton. It was proposed to Council to authorize the purchase of a 2014 Ford F450 from the state bid at a price of \$31,785.25. It was also proposed to purchase a plow, dump body, and a 535 gallon anti-ice sprayer system from Universal Truck Equipment in the amount of \$25,179. Following discussion, Member Graf made a motion, seconded by Member Husmann, as follows:

**MOTION TO AUTHORIZE THE CAPITAL EQUIPMENT EXPENDITURE FOR A 2014 FORD F450 FROM THE STATE BID AT A PRICE OF \$31,785.25 AND ALSO A PLOW, DUMP BODY, AND A 535 GALLON ANTI-ICE SPRAYER SYSTEM FROM UNIVERSAL TRUCK EQUIPMENT IN THE AMOUNT OF \$25,179.**

Upon a roll call vote taken and tallied by the City Administrator, the following Members present voted in favor thereof, viz;

Bernie Buehler	Yes
John Graf	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

### **ITEM 3.5 – PERSONNEL COMMITTEE RECOMMENDATION**

The Personnel Committee recommended to Council the following:

1. That effective November 26, 2013, Jay Gillette will have satisfactorily completed the probationary period and that effective that date the probationary period status be removed and he will assume the duties and responsibilities as Utility Maintenance Supervisor; and
2. On November 26, 2013, that Elliott Wieser be promoted to Assistant Utility Maintenance Supervisor, at which time he will begin serving a three month probationary period.

Following discussion, Member Williams made a motion, seconded by Member Husmann, as follows:

**MOTION TO ACCEPT THE RECOMMENDATIONS OF THE PERSONNEL COMMITTEE THAT EFFECTIVE NOVEMBER 26, 2013, THE PROBATIONARY PERIOD STATUS BE REMOVED FOR JAY GILLETTE AND HE ASSUMES DUTIES AND RESPONSIBILITIES AS UTILITY MAINTENANCE SUPERVISOR; AND THAT ELLIOTT WIESER BE PROMOTED TO ASSISTANT UTILITY MAINTENANCE SUPERVISOR, AT WHICH TIME HE WILL BEGIN SERVING A THREE MONTH PROBATIONARY PERIOD.**

Upon a roll call vote taken and tallied by the City Administrator, the following Members present voted in favor thereof, viz;

Bernie Buehler	Yes
John Graf	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

### **ITEM 3.6 – CODIFY CITY ORDINANCES**

It was recommended to City Council to authorize the City Attorney to obtain proposals to codify the City Ordinances. This was last done in 2002. Following discussion, Member Buehler made a motion, seconded by Member Husmann, as follows:

**MOTION TO AUTHORIZE THE CITY ATTORNEY TO OBTAIN PROPOSALS TO CODIFY THE CITY ORDINANCES.**

Upon a roll call vote taken and tallied by the City Administrator, the following Members present voted in favor thereof, viz;

Bernie Buehler	Yes
John Graf	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

### **ITEM 3.7 – CHAMBER OF COMMERCE REQUEST**

Council reviewed a request from the La Crescent Chamber of Commerce to the City for assistance with tourism postage. This is similar to the request that the City Council approved in 2012. There are funds in the discretionary portion of the City Council general budget to pay for this expense. Following discussion, Member Buehler made a motion, seconded by Member Williams, as follows:

#### **MOTION TO APPROVE THE CONTRIBUTION OF \$1,500.00 TO THE LA CRESCENT CHAMBER OF COMMERCE AS REIMBURSEMENT FOR A PORTION OF THE FUNDS THE CHAMBER HAS SPENT ON TOURISM POSTAGE FOR THE CITY OF LA CRESCENT IN 2013.**

Upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
John Graf	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

### **ITEM 3.8 – ABANDONED HOUSE/STRUCTURE**

City Attorney Wieser reviewed with Council the recommendation for initiating action to address an abandoned house/structure on Stoney Point Road. Following discussion, Member Buehler introduced the following resolution and moved its passage, including the findings incorporated in the Resolution, and adoption:

#### **RESOLUTION NO. 11-13-19**

#### **CITY OF LA CRESCENT RESOLUTION ORDERING THE RAZING OF A HAZARDOUS BUILDING LOCATED AT 802 STONEY POINT ROAD, LA CRESCENT, MINNESOTA**

WHEREAS, pursuant to Minn. Stat. §§ 463.15 and 463.261, the City Council of La Crescent finds the building located at 802 Stoney Point Road, La Crescent, Minnesota, and shown on the exhibits herein, to be a hazardous building for the following reasons:

1. The building is unoccupied.

2. The building is unsecured.
3. The building is badly deteriorated.
4. The building contains an exposed and unsecured well.
5. The building has damaged or destroyed windows and window sashes.
6. Paper, lumber, plaster and debris litters the interior of the building.
7. Holes in the walls and ceilings.
8. Basement is unsecure.
9. Ceiling tiles are falling.
10. Roof above porch has collapsed.
11. Deck boards are broken and deteriorated.

WHEREAS, the conditions listed above are more fully documented in the photographs prepared by Building Official Paul Kenaga on November 6, 2013, copies of which are attached as Exhibits A1-A-20.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF LA CRESCENT, MINNESOTA, AS FOLLOWS:

1. That pursuant to the foregoing findings and in accordance with Minn. Stat. §§ 463.15 and 463.261, the Council orders the record owners of the above hazardous building or their representatives to make the following corrections on the property at 802 Stoney Point Road, La Crescent, Minnesota:

a. Secure the vacant, hazardous building, including but not limited to, installation of locks, repairing and replacing of windows and doors, boarding windows and doors, posting “no trespassing” signs, fencing the property, and installing an alarm or other security system consistent with Minn. Stat. § 463.251.

b. Secure the well so that it does not pose a danger to the public.

c. Remove paper, lumber, plaster and other debris littered throughout the interior of the building.

d. Repair roof above porch area.

f. Repair holes in walls and ceiling.

g. Repair deck boards.

2. That the repairs listed above must all be made within thirty (30) days after the order is served upon the property owner. The repairs must be completed in compliance with all applicable codes and regulations, pursuant to proper permits from the City.

3. That if repairs are not made within the time provided in paragraph 2, the building is ordered to be razed, the foundations filled, and the property left free of debris, in compliance with all applicable codes and regulations, pursuant to proper permits from the City. This must be completed within thirty (30) days after the initial time period provided in paragraph 2 has expired.

4. That a motion for summary enforcement of the order will be made to the District Court of Houston County in which the hazardous building or property is situated unless corrective action is taken, or unless an answer is filed within the time specified in Minn. Stat. § 463.18, which is twenty (20) days.

5. That in accordance with Minn. Stat. § 463.24, the owner or occupant must remove all personal property and/or fixtures that will reasonably interfere with the work within thirty (30) days. If the property and/or fixtures are not removed and the City enforces this order, the City may sell personal property, fixtures and/or salvage materials at a public auction after three days posted notice.

6. That if the City must take actions to enforce this order, all enforcement costs will be specially assessed against the property and collected in accordance with Minn. Stat. §§ 463.22, 463.161 and 463.21.

7. That the City Attorney is authorized to serve this order upon the owner of the premises at 533 Losey Boulevard North, La Crosse, Wisconsin, and all lienholders of record.

8. That the City Attorney is authorized to proceed with the enforcement of this order as provided in Minn. Stat. §§ 463.15 and 463.261.

Adopted by the City Council of the City of La Crescent on November 12, 2013.  
Approved:

\_\_\_\_\_  
Mayor

Attested:

\_\_\_\_\_  
City Clerk

The foregoing motion was duly seconded by Member Graf and upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
John Graf	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried and resolution duly passed and adopted.

Also, Member Buehler made a motion, seconded by Member Graf, as follows:



**MOTION TO AUTHORIZE THE CITY ATTORNEY AND CITY STAFF TO FILE WITH THE DISTRICT COURT ANY NECESSARY DOCUMENTS TO ENFORCE RESOLUTION NO. 11-13-19.**

Upon a roll call vote taken and tallied by the City Administrator, all Members present voted in favor thereof, viz;

Bernie Buehler	Yes
John Graf	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried.

**ITEM 8.1 – CHAMBER OF COMMERCE**

The Chamber of Commerce reported that the Holiday Train would arrive in La Crescent on December 10 and the Winter Parade would be held on December 13, 2013. .

There being no further business to come before the Council at this time, Member Husmann made a motion, seconded by Member Graf, to adjourn the meeting. Upon a roll call vote taken and tallied by the City Administrator, all Members voted in favor thereof, viz;

Bernie Buehler	Yes
John Graf	Yes
Greg Husmann	Yes
Dale Williams	Yes
Mike Poellinger	Yes

and none voted against the same. The motion was declared duly carried and the meeting duly adjourned at 5:50 PM.

APPROVAL DATE: \_\_\_\_\_

SIGNED:

\_\_\_\_\_  
Mayor

ATTEST:

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City Administrator